

Serial No. 10/801,517  
Response dated Monday, September 28, 2009  
Reply to Detailed Action of July 10, 2009

## **REMARKS**

Claims 1-65 are pending. Claims 9-49 and 58-65 have been withdrawn from consideration as being drawn to non-elected inventions. Claims 1 and 50 have been amended. Claims 1-8, and 50-57 are under examination. Due to restriction and species election, claims are examined to the extent that the structure analog of phosphatidylserine is dioleoylphosphatidylserine (DOPS).

Applicants respectfully assert that all amendments are supported by the original disclosure and do not introduce new matter. Moreover, Applicants further respectfully assert that the amendments merely clarify the scope of the present invention.

### ***Objections Withdrawn***

Applicants appreciate that the Examiner has withdrawn the objection to claims 1-8 for reciting "wherein the phospholipid forms a nanovesicle having the polypeptide embedded within its polypeptide embedded nanovesicle".

### ***Rejections Withdrawn***

Applicants appreciate that the Examiner has withdrawn the rejection of claims 1-8 and 50-57 under 35 U.S.C. 112, first paragraph because the phrases "wherein the polypeptide comprises H1 through H5 helix regions of saposin C and retains plasma membrane affinity" recited in claim 1, and "wherein the polypeptide includes sequences which form helix regions H1 and H5 of saposin C, which embed within the lipid bilayer of the nanovesicle" recited in claim 50.

### ***New Grounds of Rejections***

#### ***Claim Rejections - 35 USC § 112, 1<sup>st</sup> paragraph***

The Examiner has rejected claims 1-8 and 50-57 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection.

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The Examiner has objected to the phrases "wherein the polypeptide comprises a saposin fold and retains plasma membrane affinity" recited in claim 1, and "wherein the polypeptide includes sequences which form a saposin fold, which embed within the lipid bilayer of the nanovesicle" recited in claim 50 and contends that such amendments are considered new matter. In order to facilitate prosecution of the current application, Applicants have now amended the claims to remove references to the above.

### CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, Stephen R. Albainy-Jenei at (513) 651-6839 or [salbainyjenei@fbtlaw.com](mailto:salbainyjenei@fbtlaw.com).

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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By \_\_\_\_\_

  
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